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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,716	05/10/2006	Wilhelmus Franciscus Verhaegh	US030441	3351

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
CHOKSHI, PINKAL R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,716	VERHAEGH ET AL.	
	Examiner	Art Unit	
	Pinkal R. Chokshi	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/08/2009 have been fully considered but they are not persuasive. Applicant asserts that Knee does not teach providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier. Examiner respectfully disagrees. Knee discloses (¶0020, ¶0050) that the advertising information, transmitted from the main facility to the user television equipment, includes preselected values associated with the demographic categories as represented in Fig. 5 (element 70). Knee also discloses (claims 19 and 20) that the programs are necessary for determining the user value for the demographic categories. For example, as represented in Fig. 2 and disclosed (¶0010, ¶0031, ¶0033), user provides information such as he is a sports program fan, who is between the ages of 18-40 and makes less than $30,000. When an advertisement is received, its preselected value, included in the advertising information, relates the advertisements to the demographic categories and not to the individual user. Furthermore, Knee, as represented in Fig. 1 (element 36), discloses that the main facility includes advertising database that includes preselected values for each advertisement associated with demographic categories. The rejection is maintained.

With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary references do not cure the deficiencies of

Knee, nevertheless it is the Examiner's contention that Knee does not contain any deficiencies. See the rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-3, and 5-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2005/0155056 to Knee et al (hereafter referenced as Knee) in view of US Patent 7,146,627 to Ismail et al (hereafter referenced as Ismail).

Regarding **claim 1,** "a method for selecting personalized commercials" reads on the method for targeting advertisements (abstract) disclosed by Knee and represented in Fig. 1.

As to "said method comprising the steps of: providing, for each of a plurality of programs, a score indicating a degree of preference of at least one user in relation thereto using a program recommender" Knee discloses (¶0008, ¶0009, ¶0027) that the system determines user input values for categories, such as sports, science fiction based on user input as represented in Fig. 2. Knee further discloses (¶0036 and claim 19) that each program has a bearing on at least one category.

As to "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier" Knee discloses (¶0020, ¶0028-¶0033) that the advertisement includes value for categories associated with each advertisement where the preselected value of the advertisement is compared with the demographic categories value entered by user to detect the correct advertisement to display for the user as represented in Fig. 2.

As to "providing, for each of the plurality of commercials, a metric indicating a degree of effectiveness in relation to the at least one user based on the scores and the respective correlation factors using a processor" Knee discloses (¶0028-¶0033, ¶0050) that the advertisement is provided to the user based on the values assigned to categories by user input and the value assigned to the advertisement associated with the categories as represented in Figs. 5 and 1 (element 60).

Knee meets all the limitations of the claim except he does not explicitly teach that a score is provided for each program. However, Ismail discloses (col.12, lines 61-66) that the system determines viewer preference based on viewer choosing each program with the highest score as represented in Fig. 6. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Knee's invention by using score to evaluate a

viewer's favorite program as taught by Ismail in order to provide valuable information about the television viewing habits of the viewer (col.1, lines 61-62).

Regarding **claim 2,** "the method wherein: for each of the plurality of commercials, the providing the metric comprises summing, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs" Knee discloses (¶0028) that the values of programs in categories are compared with preselected values associated with advertisement to determine the targeted ads.

Regarding **claim 3,** "the method further comprises the step of: selecting at least one of the plurality of commercials to provide to the at least one user based on its metric" Knee discloses (¶0029-¶0033) that the advertisement is displayed to the user based on the determination made by comparing program categories with advertisement.

Regarding **claim 5,** "the method wherein: for each of the plurality of commercials, the respective correlation factors are provided by advertisers associated therewith" Knee discloses (¶0020) that the advertisement information includes preselected values for each advertisement assigned to the categories

are received from main facility (advertisers) as represented in Fig. 1 (element 36).

Regarding **claim 6,** "the method wherein: the programs comprise video programs" Knee discloses (¶0028) that the viewer is watching the ESPN channel.

Regarding **claim 7,** "the method wherein: the programs comprise television programs" Knee discloses (¶0025) that the user of the set-top box can watch/record television programs.

Regarding **claim 8,** "the method wherein: the programs comprise audio programs" Knee discloses (¶0020, ¶0025) that the STB receives television programs as well as advertisement information that includes audio/video, text information. However, Ismail discloses (col.6, lines 35-37) that the signals transmitted to receiver include audio and video programs. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 9,** "the method wherein: the programs have audio and video portions" Knee discloses (¶0025) that the STB receives television programs. However, Ismail discloses (col.6, lines 35-37) that the signals transmitted to receiver include audio and video programs. In addition, same motivation is used as rejection to claim 1.

Regarding **claim 10,** "an apparatus for selecting personalized commercials" reads on the system for targeting advertisements (abstract) disclosed by Knee and represented in Fig. 1.

As to "said apparatus comprising: means for providing, for each of a plurality of programs, a score indicating a degree of preference of at least one user in relation thereto" Knee discloses (¶0008, ¶0009, ¶0027) that the system determines user input values for categories, such as sports, science fiction based on user input as represented in Fig. 2. Knee further discloses (¶0036 and claim 19) that each program has a bearing on at least one category.

As to "means for providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs" Knee discloses (¶0020, ¶0029-¶0033) that the advertisement includes value for categories associated with each advertisement as represented in Fig. 2.

As to "means for providing, for each of the plurality of commercials, a metric indicating a degree of effectiveness in relation to the at least one user based on the scores and the respective correlation factors" Knee discloses (¶0028-¶0033, ¶0050) that the advertisement is provided to the user based on the values assigned to categories by user input and the value assigned to the advertisement associated with the categories as represented in Fig. 5.

Knee meets all the limitations of the claim except he does not explicitly teach that a score is provided for each program. However, Ismail discloses (col.12, lines 61-66) that the system determines viewer preference based on viewer choosing each program with the highest score as represented in Fig. 6. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Knee's invention by using score to evaluate a viewer's favorite program as taught by Ismail in order to provide valuable information about the television viewing habits of the viewer (col.1, lines 61-62).

Regarding **claim 11,** "the apparatus wherein: the means for providing the metric sums, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs" Knee discloses (¶0028) that the values of programs in categories are compared with preselected values associated with advertisement to determine the targeted ads.

Regarding **claim 12,** "an apparatus for selecting personalized commercials" reads on the system for targeting advertisements (abstract) disclosed by Knee and represented in Fig. 1.

As to "apparatus comprising: a program recommender providing, for each of a plurality of programs, a score indicating a degree of preference of at least one user in relation thereto" Knee discloses (¶0008, ¶0009, ¶0027) that the

system determines user input values for categories, such as sports, science fiction based on user input as represented in Fig. 2. Knee further discloses (¶0036 and claim 19) that each program has a bearing on at least one category.

As to "a commercial classifier providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs" Knee discloses (¶0020, ¶0029-¶0033) that the advertisement includes value for categories associated with each advertisement as represented in Fig. 2.

As to "a processor providing, for each of the plurality of commercials, a metric indicating a degree of effectiveness in relation to the at least one user based on the scores and the respective correlation factors" Knee discloses (¶0028-¶0033, ¶0050) that the advertisement is provided to the user based on the values assigned to categories by user input and the value assigned to the advertisement associated with the categories as represented in Fig. 5.

Knee meets all the limitations of the claim except he does not explicitly teach that a score is provided for each program. However, Ismail discloses (col.12, lines 61-66) that the system determines viewer preference based on viewer choosing each program with the highest score as represented in Fig. 6. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Knee's invention by using score to evaluate a viewer's favorite program as taught by Ismail in order to provide valuable information about the television viewing habits of the viewer (col.1, lines 61-62).

Regarding **claim 13,** "the apparatus wherein: the processor provides the metric by summing, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs" Knee discloses (¶0028) that the values of programs in categories are compared with preselected values associated with advertisement to determine the targeted ads.

Regarding **claim 14,** "a program storage device tangibly embodying a program of instructions executable by a machine to perform a method for selecting personalized commercials" reads on the system for targeting advertisements (abstract) disclosed by Knee and represented in Fig. 1.

As to "the method comprising: providing, for each of a plurality of programs, a score indicating a degree of preference of at least one user in relation thereto" Knee discloses (¶0008, ¶0009, ¶0027) that the system determines user input values for categories, such as sports, science fiction based on user input as represented in Fig. 2. Knee further discloses (¶0036 and claim 19) that each program has a bearing on at least one category.

As to "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs" Knee discloses (¶0020, ¶0029-¶0033) that the

advertisement includes value for categories associated with each advertisement as represented in Fig. 2.

As to "providing, for each of the plurality of commercials, a metric indicating a degree of effectiveness in relation to the at least one user based on the scores and the respective correlation factors" Knee discloses (¶0028-¶0033, ¶0050) that the advertisement is provided to the user based on the values assigned to categories by user input and the value assigned to the advertisement associated with the categories as represented in Fig. 5.

Knee meets all the limitations of the claim except he does not explicitly teach that a score is provided for each program. However, Ismail discloses (col.12, lines 61-66) that the system determines viewer preference based on viewer choosing each program with the highest score as represented in Fig. 6. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Knee's invention by using score to evaluate a viewer's favorite program as taught by Ismail in order to provide valuable information about the television viewing habits of the viewer (col.1, lines 61-62).

Combination of Knee and Ismail meets all the limitations of the claim except "a computer program stored on the storage medium." However, the Examiner takes official notice that it was well known in the art at the time of the invention to store computer program on computer readable medium. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to store computer readable program on recorded medium to Knee and

Ismail's systems would have yielded predictable result of easily installing program on the other computer devices.

Regarding **claim 15,** "the program storage device wherein the providing the metric comprises summing, over each of the plurality of programs, a product of the score for each of the plurality of programs and the correlation factor for each of the plurality of commercials relative to each of the plurality of programs" Knee discloses (¶0028) that the values of programs in categories are compared with preselected values associated with advertisement to determine the targeted ads.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinkal R. Chokshi whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Monday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal R. Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425